

# TITLE 329 SOLID WASTE MANAGEMENT BOARD

## DRAFT RULE PROPOSED FOR PRELIMINARY ADOPTION

#05-85(SWMB)

### DIGEST

Adds 329 IAC 3.1-6-7 to conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from the chemical conversion coating of aluminum, hazardous waste code F019, that is generated by General Motors Corporation at the Fort Wayne Assembly Plant, Fort Wayne, Indiana. Effective 30 days after filing with the secretary of state.

### HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: June 1, 2005, Indiana Register (28 IR 2821).

Notice of First Hearing: October 1, 2005, Indiana Register (29 IR 51).

Date of First Hearing: October 18, 2005.

329 IAC 3.1-6-7

SECTION 1. 329 IAC 3.1-6-7 IS ADDED TO READ AS FOLLOWS:

329 IAC 3.1-6-7 Waste excluded from regulation; General Motors Corporation, Fort Wayne Assembly Plant, Fort Wayne, Indiana

Authority: IC 13-14-8; IC 13-14-9-7; IC 13-22-2

Affected: IC 13-22

Sec. 7. Wastewater treatment sludge, hazardous waste code F019, that is generated by General Motors Corporation (General Motors) at the Fort Wayne Assembly Plant, Fort Wayne, Indiana is excluded from regulation under this article so long as management of the waste complies with all of the following conditions:

(1) No concentration of a constituent listed in Table 1 may exceed the delisting level for that constituent listed in Table 1. The delisting levels listed in Table 1 are the maximum concentration of that constituent measured in the extract of the wastewater treatment sludge using the extraction methods described in subdivision (2).

Table 1. Maximum Delisting Levels for Inorganic and Organic Constituents

Constituent	Chemical Abstract Service Registry Number	Delisting Level (mg/L) <sup>1</sup>
Inorganic Constituents:		
Antimony.....	7440-36-0.....	0.5
Arsenic.....	7440-38-2.....	0.225
Barium.....	7440-39-3.....	100
Beryllium.....	7440-41-7.....	1.0
Cadmium.....	7440-43-9.....	0.36
Chromium.....	7440-47-3.....	3.71
Cobalt.....	7440-48-4.....	18.0
Cyanide.....	57-12-5.....	8.63
Lead.....	7439-92-1.....	5.0 <sup>2</sup>
Mercury.....	7439-97-6.....	0.116
Nickel.....	7440-02-0.....	67.8
Selenium.....	7782-49-2.....	1.0 <sup>2</sup>
Silver.....	7440-22-4.....	5.0 <sup>2</sup>
Thallium.....	7440-28-0.....	0.211
Tin.....	7440-31-5.....	540
Vanadium.....	7440-62-	65.0

	2.....	
Zinc.....	7440-66-6.....	673
Volatile Organic Compounds:		
Acetone.....	67-64-1.....	1500
Acetonitrile.....	75-05-8.....	77.5
Acrylonitrile.....	107-13-1.....	0.006
Allyl chloride.....	107-05-1.....	0.120
Benzene.....	71-43-2.....	0.057
n-Butanol.....	71-36-3.....	171
Carbon tetrachloride.....	56-23-5.....	0.034
Chlorobenzene.....	108-90-7.....	2.70
Chloroform.....	67-66-3.....	0.035
Chloromethane.....	74-87-3.....	9.700
1,1-dichloroethane.....	75-34-3.....	61.35
1,2-dichloroethane.....	107-06-2.....	0.035
1,1-dichloroethene.....	75-35-4.....	0.300
cis-1,2-dichloroethene.....	156-59-2.....	3.19
trans-1,2-dichloroethene.....	156-60-5.....	4.56

Ethyl benzene.....	100-41-4.....	31.9
Formaldehyde.....	50-00-0.....	43.5
Methylene chloride.....	75-09-2.....	0.216
Methyl ethyl ketone.....	78-93-3.....	200 <sup>2</sup>
Methyl isobutyl ketone.....	108-10-1.....	1000
Methyl methacrylate.....	80-62-6.....	460
Styrene.....	100-42-5.....	4.56
1,1,1,2-Tetrachloroethane.....	630-20-6.....	0.182
1,1,2,2-Tetrachloroethane.....	79-34-5.....	0.330
Tetrachloroethene.....	127-18-4.....	0.228
Toluene.....	108-88-3.....	45.6
1,1,1-trichloroethane.....	71-55-6.....	9.11
1,1,2-trichloroethane.....	79-00-5.....	0.058
Trichloroethene.....	79-01-6.....	0.228
Vinyl acetate.....	108-05-4.....	32
Vinyl chloride.....	75-01-4.....	0.002
Xylenes.....	1330-20-7.....	13.93

Semivolatile Organic Compounds:

bis-(2ethylhexyl) phthalate.....	117-81- 7.....	0.146
Butyl benzyl phthalate.....	85-68- 7.....	69.6
m-Cresol.....	108-39- 4.....	85.5
o-Cresol.....	95-48- 7.....	85.5
p-Cresol (4-methylphenol).....	106-44- 5.....	8.55
1,4-dichlorobenzene.....	106-46- 7.....	3.24
2,4-dimethylphenol.....	105-67- 9.....	34.2
2,4-dinitrotoluene.....	121-14- 2.....	0.005
Dioctyl phthalate.....	117-84- 0.....	0.168
Hexachlorobenzene.....	118-74- 1.....	1.6 x 10 <sup>-4</sup>
Hexachlorobutadiene.....	87-68- 3.....	0.016
Hexachloroethane.....	67-72- 1.....	0.225
Naphthalene.....	91-20- 3.....	0.546
Nitrobenzene.....	98-95- 3.....	0.855
Pentachlorophenol.....	87-86- 5.....	0.007
Pyridine.....	110-86- 1.....	1.71
2,4,5-trichlorophenol.....	95-95- 4.....	68.6
2,4,6-trichlorophenol.....	88-06-	0.290

<sup>1</sup>mg/L means milligrams per liter.

<sup>2</sup>The delisting level for this constituent was higher than the toxicity characteristic regulatory level in 40 CFR 261.24, therefore the toxicity characteristic regulatory level applies.

(2) Except as provided in clauses (E) through (F), General Motors shall obtain two (2) duplicate representative samples of the delisted waste each quarter and analyze them for the constituents listed in Table 2 as follows:

(A) Constituents must be extracted using Method 1311, Toxicity Characteristic Leaching Procedure (TCLP), described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", U.S. Environmental Protection Agency Publication SW-846, Third Edition, as amended by Updates I, IIA, IIB, III, and IIIA\* (SW-846).

\*U.S. Environmental Protection Agency Publication SW-846 is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238.

(B) Metals must be extracted using Method 1330A, Oily Waste Extraction Procedure, if oil and grease levels exceed ten thousand (10,000) milligrams per kilogram.

(C) Constituents must be analyzed in accordance with the SW-846 methods listed for each in Table 2.

(D) The detection level for each method used to analyze the constituents in Table 2 must be less than the delisting level described in Table 1.

(E) If the relative percent difference (RPD) between the two (2) samples is forty (40) per cent or less for the first four (4) quarters, then General Motors may obtain and analyze one (1) representative sample of the delisted waste each following quarter. The RPD is calculated for each constituent and equals one hundred (100) times the absolute value of the difference between the results divided by the average of the results, as follows:

$$RPD = 100 [(|x_1 - x_2|) / \{(x_1 + x_2) / 2\}]$$

where  $x_1$  equals sample results and  $x_2$  equals duplicate results.

(F) If any sample result shows any constituent listed in Table 2 at or above fifty (50) per cent of the delisting level for that constituent, then General Motors must analyze two (2) duplicate samples each quarter until authorized by the department to analyze one (1) sample each quarter.

(G) Nothing in this section prohibits General Motors from requesting at any time that the solid waste management board modify this section to allow less frequent verification testing.

Table 2. Constituents for which Quarterly Testing is Required

Constituent	SW-846 Method	Constituent	SW-846 Method
Acetone.....	8260B	Formaldehyde.....	8315A
Barium.....	6010B or 6020	Lead.....	6010B or 6020
bis-(2ethylhexyl) phthalate.....	8270C	Nickel.....	6010B or 6020
n-Butanol.....	8260B	Selenium.....	6020
Chromium.....	6010B or 6020	Tin.....	6010B or 6020
Cobalt.....	6010B or 6020	Toluene.....	8260B
p-Cresol (4-methylphenol).....	8270C	Zinc.....	6010B or 6020

(3) If waste testing or other information available to General Motors shows that any constituent in Table 1 has exceeded the delisting level for that constituent, or General Motors makes changes in the Fort Wayne Assembly Plant that cause hazardous constituents listed in Table 1 to exceed the delisting level for that constituent, General Motors must do all of the following:

(A) Notify the department in writing within ten (10) days of first possessing or being made aware of such data.

(B) Demonstrate that the waste continues to meet all delisting levels in Table 1.

(C) Manage the waste as hazardous waste until General Motors receives written approval from the commissioner to resume managing the waste under this exclusion.

(4) General Motors must submit an annual report that summarizes the data obtained through quarterly verification testing required by subdivision (2) to the department by February 1 of the following year. The report must include the results of each required analysis for the previous calendar year.

(5) General Motors must compile, summarize, and maintain records of operating conditions and analytical data. The records must be maintained for a minimum of five (5) years. The records must be made available for inspection by the department during normal working hours.

(6) All data required by this section must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).

(7) The delisted waste must be disposed of in:

(A) a municipal solid waste landfill permitted under 329 IAC 10; or

(B) a hazardous waste disposal facility permitted under this article.

(8) If, at any time after disposal of the delisted waste, General Motors possesses or is otherwise made aware of any data, including, but not limited to, leachate data or ground water monitoring data, or any other data relevant to the delisted waste indicating that any constituent identified in:

(A) Table 1 is at a level in the leachate that is higher than the specified delisting level; or

(B) Table 3 is in the ground water at a concentration that is higher than the maximum allowable ground water concentration in Table 3;

then General Motors must report such data in writing to the department within ten (10) days of first possessing or being made aware of that data.

Table 3. Maximum Allowable Ground Water Concentrations (mg/L)<sup>1</sup>

Acetone.....	3.75	Formaldehyde.....	1.38
....		....	
Barium.....	2.0	Lead.....	0.01
.....		...	5
bis-(2ethylhexyl) phthalate.....	0.001	Nickel.....	0.75
	5	....	
n-	3.75	Selenium.....	0.05



Butanol.....	.....		
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Chromium.....	0.1	Tin.....	22.5
.....		.....	
Cobalt.....	2.2	Toluene.....	1.0
.....		.....	
p-Cresol (4- methylphenol).....	0.19	Zinc.....	11.2
		.....	

<sup>1</sup> mg/L means milligrams per liter.

(9) No more than three thousand (3,000) cubic yards of delisted waste may be disposed of in any calendar year under this exclusion.

(Solid Waste Management Board; 329 IAC 3.1-6-7)